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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,195	08/17/2001	Matias G. Duarte	4676P018	4848

8791 7590 10/22/2002

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EXAMINER

FRIEDHOFER, MICHAEL A

ART UNIT	PAPER NUMBER
2832	#7

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/932,195	DUARTE, MATIAS G. <i>JG</i>
	Examiner	Art Unit
	Michael A. Friedhofer	2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-53 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, 11, 14, 15-18, 21-23, 25, 26, 28 and 32-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre in view of Helstern.

Andre discloses in figures 1-4 a keyboard of an apparatus including a light source formed by lights 49 and 50; at least one key 40; and at least one glyph on each of the keys such that a characteristic of each glyph corresponds to the light provided by the light source. The characteristic of the light provided is selectable in which the location and the polarization of the light are the characteristics are selectable. The key is translucent. The selector is coupled to the light source and is formed by a selector button with corresponding circuitry. The lights are LEDs. The light source is shown to be either below the key or may be toward a side of the key or perimeter of the keyboard. As for the color of the key, the transparency of the key, type of light source, location of the light source, and selector utilized these are a matter of engineering design choice not affecting the purpose or function of the key and illumination thereof and would be based on the ergonomics desired by the manufacturer as well as the components available to the manufacturer.

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Helstern teaches an illuminated keyboard in which the keys are provided with a plurality of glyphs in which the colors are selectable based on the color of the lights being selected along with the color filters provided with the glyphs such that one glyph would contrast and the other would compliment the colors of the light source. The light source is located within the key.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Helstern to Andre to utilize wavelength or color rather than polarization because the purpose of the glyphs and the use of a selectable source would not be altered by the characteristic chosen to be selectable only the method of filtering would be altered.

3. Claims 7, 8, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre in view of Ushimaru.

Andre teaches all of the claimed limitations with the exception of the glyphs being transparent or translucent.

Ushimaru teaches a keyboard having illuminated keys in which the selectable glyphs are transparent and therefore translucent.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Ushimaru to Andre to form the glyphs to be either transparent or translucent with an opaque key because this is for the purpose of enhancing the illumination and contrast of the glyph with relation to the key for better visibility.

Response to Arguments

4. Applicant's arguments filed July 16, 2002 have been fully considered but they are not persuasive. With regards to the combination with Helstern, Helstern need not suggest the actual selecting of a glyph on the display over another glyph based on the characteristic of the light selected. Andre teaches the use of polarization of light as a characteristic of light in which the selection of a glyph is based on the different polarizations utilized and increases or decreases the visual contrast. The teaching is that various other characteristics could be utilized to achieve the same purpose in which color or wavelength is another one of those characteristics and would be an obvious alternative to polarization. The combination of the references teaches all of the claimed limitations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Friedhofer whose telephone number is 703-308-3304. The examiner can normally be reached on Mon-Fri 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703-308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Michael A. Friedhofer
Primary Examiner
Art Unit 2832

Maf
October 18, 2002